

STATE PLAN FOR SUPPORT COLLECTION  
AND ESTABLISHMENT OF PATERNITY UNDER  
TITLE IV-D OF THE SOCIAL SECURITY ACT

Citation

State New Mexico

§454(18)  
of the Act;  
45 CFR 302.60

As a condition to the receipt of Federal funds under title IV-D of the Social Security Act, the

Human Services Departmer

\_\_\_\_\_  
(name of single & separate IV-D agency)

submits herewith the State plan for the program of support collection and establishment of paternity under title IV-D of the Act and hereby agrees to administer the program in accordance with the provisions of this State Plan, the Act, and all applicable Federal Laws, regulations and other official issuances of the Department.

The official text of said laws, regulations, and official issuances govern and the State agency acknowledges its responsibility to adhere to them.

TN# NM-2020-001 Approval Date 03/04/2020 Effective Date 04/01/2020

Cover Page

SECTION 1 SINGLE STATE AGENCY ORGANIZATION

Citation

§454(3) of  
the Social Security  
Act (the Act);  
45 CFR 302.12

1.1 State agency Designation, Authority, Organization and Staffing

The **Child Support Enforcement**  
(Name of single and separate IV-D agency)

certifies as follows:

1. That it is the single and separate organizational unit designated to administer the program under this plan.
2. That it is:
  - Located in the single State agency designated under 45 CFR 205.100 to administer Title IV-A of the Act.
  - Located in the \_\_\_\_\_ agency of the State.
  - Established as a new agency of the State.
3. That it fulfills its responsibilities in accordance with 45 CFR 302.12.
4. Attachment **1.1A** contains:
  1. An organizational chart of the IV-D agency and a description of its structure showing its location within the State government and the distribution of responsibilities among the major divisions within the agency.
  2. A description of the kind and numbers of staff assigned to carry out the functions of the IV-D agency; and
  3. A list of any IV-D functions which are performed outside the IV-D agency, with the name of the organization responsible for each function.

TN# NM-2018-003 Approval Date 01/25/2019 Effective Date 11/19/2018

State New Mexico

SECTION 1 SINGLE STATE AGENCY ORGANIZATION

Citation

1.2 Statewide Operation

§454(1) of the Act;  
45 CFR 302.10

This plan is in effect in all political subdivisions of the State in accordance with equitable standards for the administration that are mandatory throughout the State. The State agency assures that the plan is continuously in operation in all appropriate offices or agencies in accordance with 45 CFR 302.10.

The plan is:

- State administered.
- Administered by political subdivisions of the State and mandatory on such political subdivisions.
- State-administered in certain jurisdictions and locally administered in others in which it is mandatory.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(4) of the Act  
45 CFR 302.31(a)(3)  
303.4, 303.5, 303.6  
and 303.8

2.1 State Obligation to Provide Child Support Enforcement Services

1. The State provides services relating to establishment of paternity, and the establishment, modification, or enforcement of child support obligations, as appropriate, in accordance with §454(4)(A) of the Act and 45 CFR 303.4, 303.5, 303.6 and 303.8.
2. The State enforces any support obligation with respect to a child to whom the State provides services under the plan, or the custodial parent of such a child, in accordance with §454(4)(B) of the Act.

The State has established guidelines for the use of civil contempt citations in child support cases in accordance with 45 CFR 303.6(c)(4).

YES       NO

3. The IV-D agency notifies the Medicaid agency that assigned medical support payments are being, or have been, retained by the non-IV-A Medicaid recipient.

TN# NM-2021-001 Approval Date 06/16/2021 Effective Date 07/01/2021

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§456(a) of the Act;  
45 CFR 302.50

2.2 Support Obligations

The support rights assigned to the State, as defined in 45 CFR 301.1, constitute an obligation owed to the State by the individual responsible for providing such support.

With respect to such obligations, the IV-D agency complies with the requirements in 45 CFR 302.50.

TN# NM-91-4 Approval Date 10/08/1991 Effective Date 07/01/1991

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§408(a)(3), 454(11),  
454(34), and 457 of the Act  
45 CFR 302.38

2.4 Collection and Distribution of Support Payments

1. Amounts collected as support are distributed as provided in sections 454(34) and 457 of the Act.
2. Any payment required to be made to a family is made to the resident parent, legal guardian, or caretaker relative having custody of or responsibility for the child or children, conservator representing the custodial parent and child directly with a legal and fiduciary duty, or alternate caretaker designated in a record by the custodial parent.
3. The State implemented the assignment requirement pursuant to section 408(a)(3) of the Act, as amended by the Deficit Reduction Act of 2005 (DRA) on:  
 October 1, 2009; or  
 [ \_\_\_\_\_ ] (A date up to a year prior to October 1, 2009)
4. The State distributes arrearages in former assistance cases in accordance with sections 454(34) and 457 of the Act as of:  
 October 1, 2009;  
 [ \_\_\_\_\_ ] (A date up to a year prior to October 1, 2009); or  
 NA (The State continues to distribute all collections according to PRWORA distribution, i.e. former section 457(a)(2)(B) of the Act as in effect prior to 10/1/09)
5. Effective 10/1/09, section 457(a)(7)(B) becomes 457(a)(6)(B) of the Act. The effective date for the optional pass-through provision in Current Assistance Cases in section 457(a)(7)(B) of the Act, as amended by the Deficit Reduction Act of 2005 is:  
 **January 1 2009** and indicate the pass-through amount \_\_\_\_\_ and disregard amount \_\_\_\_\_;or

NA (The State will not participate in the pass-through provisions for Current Assistance cases under section 457(a)(7)(B) of the Act, as amended by the DRA.)

6. Effective 10/1/09, section 457(a)(7)(A) becomes 457(a)(6)(A) of the Act. The effective date for the optional pass-through provision in Former Assistance Cases in section 457(a)(7)(A) of the Act, as amended by the (DRA) is:

\_\_\_\_\_ and indicate the pass-through amount \_\_\_\_\_; or

NA (The State will not participate in the pass-through provisions for Former Assistance cases under section 457(a)(7)(A) of the Act, as amended by the DRA.)

7. The State discontinued assignments of arrearages in the following categories:

Assignments of Pre-1997 arrearages effective as of: \_\_\_\_\_;

Assignments of Post-1997 pre-assistance arrearages effective as of: \_\_\_\_\_;

Assignments of both Pre-1997 arrearages and Post-1997 pre-assistance arrearages effective as of: \_\_\_\_\_; or

NA (The State does not participate in the optional provision of discontinuing assignments of arrearages)

TN# NM-2019-002 Approval Date 10/07/2019 Effective Date 07/01/2019

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.5 Services to Individuals

§454(6) of the Act

1. Services under this plan are made available to residents of other States on the same terms as to residents of this State.

§454(6) of the Act;  
CFR 302.33(c)

2. (a) The application fee charged to an individual who 45 files an application for services is:

a flat dollar amount not to exceed \$25 or such higher or lower amount as the Secretary may determine to be appropriate for any fiscal year to reflect increases or decreases in administrative costs, and described in ATTACHMENT 2.5A; or

an amount established in accordance with 45 CFR 302.33(c)(1)(iv)(B) and described in ATTACHMENT 2.5A.

- (b) The State collects the fee from the individual applying for IV-D services or pays the fee out of State funds.

- (c) The State recovers the application fee from the non-custodial parent in accordance with 45 CFR 302.33(c)(1)(ii).

YES

NO

TN# NM-98-1 Approval Date 10/28/1998 Effective Date 06/30/1998



State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.5 Services to Individuals

§454 of the Act;  
45 CFR 302.33(c)(1)(v)

(d) The State allows the jurisdiction that collects support for the State under this plan to retain any application fees collected under this section.

YES     NO

§§454(4), and (25)  
and (457)(c) of the Act;  
45 CFR 302.33(a)(2)  
and (3)

3. The State does not:

(a) require an application, other request for services or an application fee from any individual who is either a IV- A, IV-E, or title XIX recipient; or required by the State to cooperate with the State agency pursuant to subsection (l) or (m) of section 6 of the Food Stamp Act of 1977; or former IV-A recipient.

(b) charge fees or recover costs from any non-IV-A Medicaid recipient.

§§454(4) and (25) of the  
Act; 45 CFR 302.33(a)(4)

4. When a family is no longer eligible for assistance under the IV-A, IV-E, and title XIX program, the IV-D agency provides the family a notice regarding the continuation of IV-D services and continues to provide such services, in accordance with §454(25) of the Act.

TN# NM-2017-001 Approval Date 06/19/2017 Effective Date 07/01/2017

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(6) of the Act;  
45 CFR 302.33(d)

2.5 Services to Individuals

5. Any costs incurred in excess of any fees collected to cover administrative costs under the State plan in providing services are:

- not recovered;
- recovered from the parent who owes a support obligation to a non-IV-A family receiving services under this section in accordance with 45 CFR 302.33(d); or
- recovered from either the former IV-A recipient; former Medicaid recipient; or former title IV-E foster care recipient or the individual who has filed an application for IV-D services, in accordance with 45 CFR 302.33(d).

The IV-D agency does not treat any amount collected from the individual as a recovery of costs except amounts which exceed the current support owed by the individual under the obligation.

The IV-D agency notifies, consistent with the cost recovery option selected, either the individual who is receiving IV-D services or the individual who owes a support obligation that such recovery will be made.

TN# NM-98-1 Approval Date 10/28/1998 Effective Date 06/30/1998

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(6)(B)

2.5-4 Services to Individuals

6. Mandatory Annual Fee Applicable to IV-D Cases for Individuals Who Have Never Received IV-A Assistance

The State shall impose an annual fee of \$35 for each case that receives IV-D services and meets both of the following two criteria:

1. the individual receiving IV-D services has never received assistance under a State program funded under title IV-A of the Act.
2. the State has collected at least \$550 of support during the year.

The State shall impose the annual \$35 fee and the fee will be collected by one or more of the methods below. The fee shall be:

- Retained by the State from support collected on behalf of the individual (but not the 1<sup>st</sup> \$550 collected)
- Paid by the individual applying for Services
- Recovered from the noncustodial parent
- Paid by the State out of its own funds

If the State elects to pay the mandatory \$35 annual fee out of its own funds, that payment shall not be considered an administrative cost of the State for the operation of the plan.

The mandatory \$35 annual fee shall be considered income to the State's IV-D program.

45 CFR 302.33(a)(6)

7. The State opts to provide limited services for paternity-only services in intrastate cases to any applicant who requests such services.

- Yes  NO

NM-2018-004  
TN# \_\_\_\_\_ Approval Date 01/25/2019 Effective Date 01/01/2019

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.6 Provision of Services in Intergovernmental IV-D Cases

§§452(a)(11), 454(9), and 459A of the Act;

45 CFR 302.36  
45 CFR 302.33(d)(5)  
45 CFR 302.33(d)(6)  
45 CFR 303.7

Cooperates with any other State IV-D program, Tribal IV-D program operating under 45 CFR 309.65(a), or country as defined in 45 CFR 301.1, in establishing paternity, locating a noncustodial parent residing in the State against whom action is being taken by another State, Tribal IV-D program, or country, securing compliance with an order for support, and carrying out other functions in accordance with §§454(9) and 459A of the Act or 45 CFR Parts 302.36 and 303.7, and standards prescribed by the Secretary.

Has established a central registry for intergovernmental IV-D cases in accordance with 45 CFR 303.7(b)(1).

Cooperates with any other State IV-D program, Tribal IV-D program operating under 45 CFR 309.65(a), or country as defined in 45 CFR 301.1, in using forms promulgated pursuant to § 452(a)(11) of the Act and 45 CFR 303.7(a)(4) for use in intergovernmental IV-D cases, unless a country has provided alternative forms as part of its chapter in A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries.

Beginning March 30, 2004, cooperates with any Tribal IV-D program in accordance with 45 CFR 302.36(a)(2). The State will extend the full range of services available under its IV-D plan to all Tribal IV-D programs, including promptly opening a case where appropriate.

The State agency where the interstate case originated notifies the individual receiving IV-D services of the States that recover costs in accordance with 45 CFR 302.33(d)(5).

If the State elects to recover costs, the IV-D agency has notified the IV-D agencies, in all other States that

it recovers costs from the individuals receiving IV-D services in accordance with 45 CFR 302.33(d)(6).

TN# NM-NM-11-01 Approval Date 04/04/2011 Effective Date 01/03/2011

State New Mexico

SECTION 2 FINANCIAL ADMINISTRATION

Citation

2.7 Parent Locator Service

§454(8) and (17)  
of the Act;  
45 CFR 302.35

The IV-D agency has established, will maintain and operates a parent locator service in accordance with 45 CFR 302.35.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.8 Medical Support Enforcement Activities

§§ 452(f) and  
466(a)(19) of the Act;  
45 CFR 302.80

The IV-D agency performs required medical support enforcement activities, in accordance with 45 CFR 303.30, 303.31, and 303.32.

The IV-D agency performs optional medical support enforcement activities under a cooperative agreement with the State Medicaid agency, in accordance with 45 CFR 302.80.

No

Yes

TN# NM-2021-002 Approval Date 06/16/2021 Effective Date 07/01/2021

State New Mexico

SECTION 2 FINANCIAL ADMINISTRATION

Citation

2.9 Federal Tax Refund Offset

§454(18)  
of the Act;  
45 CFR 302.60

The IV-D agency has in effect procedures necessary to obtain payment of past-due support from overpayment made to the Secretary of the Treasury as set forth in 45 CFR 302.60 and takes all steps necessary to implement and use such procedures.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982



State New Mexico

SECTION 2 FINANCIAL ADMINISTRATION

Citation

2.10 Withholding of Unemployment Compensation

§454(19)  
of the Act

The State has in effect a system for withholding unemployment compensation in accordance with section 454(19) of the Act.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.11 Procedures for the Imposition of Late Payment Fees

§454(21) of the Act

The IV-D agency has procedures for the imposition of late payment fees on all absent parents who owe overdue support in accordance with section 454(21) of the Act.

YES

NO

TN# NM-89-2 Approval Date 01/31/1989 Effective Date 02/01/1989

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466 (a)(1),(b)  
and (d) of the Act;  
45 CFR 303.100

2.12 Procedures to Improve Program Effectiveness

1. Income Withholding

The State has in effect laws requiring the use of procedures for income withholding in accordance with §466(a)(1) and (b) of the Act.

The Secretary has granted the State an exemption from the requirement for income withholding in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466 (a)(2), (c)  
and (d) of the Act

2.12 Procedures to Improve Program Effectiveness

2. Expedited Administrative and Judicial Procedures

The State has in effect laws requiring the use of expedited administrative and judicial procedures for establishing, modifying, and enforcing support obligations in accordance with §466(a)(2), and including rules and authority applicable to all proceedings to establish paternity, or to establish, modify, or enforce support orders, as specified under §466(c)(2) of the Act.

- Administrative procedures
- Expedited judicial procedures
- Both administrative and expedited judicial procedures

The State has in effect laws giving the IV-D agency authority to take administrative actions specified in §466(c)(1) of the Act, without the necessity of obtaining a court or administrative order and to recognize the authority of another State's IV-D agency to take such actions, and procedures for coordination with ERISA in accordance with §466(c).

- The Secretary has granted the State an exemption(s) from or waived compliance with expedited administrative and judicial procedures in accordance with §466(a)(2) and (d) for the political subdivisions listed in ATTACHMENT 2.12-2A. The list includes the exemption period for each political subdivision.

TN# NM-97-01 Approval Date 12/19/1997 Effective Date 10/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466 of the Act; 45  
CFR 302.70(a)(3)

2.12 Procedures to Improve Program Effectiveness

3. Collection of Overdue Support by State Income Tax Refund Offset.

- The IV-D agency has procedures for obtaining overdue Support from State income tax refunds in accordance with 45 CFR 303.102.
- The Secretary has granted the State an exemption from collection of overdue support by State income tax refund offset in accordance with 45 CFR 303.102. The exemption begins on \_\_\_\_\_

TN# NM-88-4 Approval Date 05/16/1988 Effective Date 06/01/1988

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(4) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

4. Liens

The State has in effect laws requiring the use of procedures under which liens arise by operation of law against real and personal property for amounts of overdue support owed by a noncustodial parent who resides or owns property in the State; and the State accords full faith and credit to liens arising in another State in accordance with §466(a)(4).

The State has guidelines which are generally available to the public to determine whether a case is inappropriate for application of this procedure, in accordance with §466(a).

The Secretary has granted the State an exemption from the requirement for liens in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(5) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

5. Paternity Establishment

The IV-D agency has in effect laws requiring the use of procedures for paternity establishment in accordance with §466(a)(5).

The State presumption of paternity based upon genetic testing, results indicating a threshold probability that the alleged father of the child, in accordance with §466(a)(5)(G), is:

REBUTTABLE       CONCLUSIVE

The Secretary has granted the State an exemption from the paternity establishment requirement(s) listed in ATTACHMENT 2.12-5A, in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1994 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466 of the Act;  
45 CFR 302.70(a)(6)

2.12 Procedures to Improve Program Effectiveness

6. Posting Security, Bond or Guarantee to Secure Payment of Overdue Support.

The IV-D agency has procedures for posting security, bond or giving some guarantee to secure payment of overdue support in accordance with 45 CFR 303.104.

The Secretary has granted the State an exemption from Posting security, bond or guarantee to secure payment of overdue support in accordance with 45 CFR 303.104. The exemption period is from \_\_\_\_\_ to \_\_\_\_\_.

TN# NM-85-6 Approval Date 01/30/1986 Effective Date 10/01/1985



State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(7) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

7. Reporting Arrearages to Credit Bureaus

The IV-D agency has in effect laws requiring the use of procedures subject to safeguards under §466(a)(7)(B) which require the State to report periodically to consumer reporting agencies the name of any non-custodial parent who is delinquent in the payment of support, and the amount of overdue support owed by such parent in accordance with §§454(20) and 466(a)(7).

The State has guidelines which are generally available to the public to determine whether a case is inappropriate for application of this procedure, in accordance with §466(a).

The Secretary has granted the State an exemption from making information available to Consumer Reporting Agencies in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(20) and  
466 of the Act

2.12 Procedures to Improve Program Effectiveness

8. Inclusion of a Wage Withholding Provision in All Support Orders Issued or Modified in the State.

The IV-D agency has procedures under which all child support orders issued or modified in the State include a provision for withholding from wages as a means of collecting child support in accordance with §303.100(g).

The Secretary has granted an exemption from Inclusion of a wage withholding provision in all support orders issued or modified in the State in accordance with §303.100(g). The exemption period is from \_\_\_\_\_ to \_\_\_\_\_.

TN# NM-85-06 Approval Date 01/30/1986 Effective Date 10/01/1985

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§454(20) and  
466 of the Act

2.12 Procedures to Improve Program Effectiveness

8.B Immediate Wage Withholding in All Child Support Orders  
Initially Issued in the State on or After January 1, 1994.

- The State has procedures under which all child support orders initially issued in the State and are not being enforced under Title IV-D will provide for immediate wage withholding in accordance with §466(a)(8)(B) of the Act.
- The Secretary has granted an exemption from inclusion of immediate wage withholding in all child support orders initially issued in the State. The exemption period is from \_\_\_\_\_ to \_\_\_\_\_.

TN# NM-94-01 Approval Date 06/03/1994 Effective Date 01/01/1994

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation  
§§454(20) and 466  
of Act; 45 CFR 302.70(a)  
(9) §9103 of P.L 99-509

2.12 Procedures to Improve Program Effectiveness

9. Requirement to Prohibit Retroactive Modification  
of Support Arrearages.

- The State has in effect laws which implement section 9103 of P.L. 99-509. A copy of the statute or court ruling is attached.
- State legislation is required to comply with the requirement specified above. The State's legal basis for requesting a delay in implementation for this requirement is attached. The State will implement the delayed procedure \_\_\_\_\_.

TN# NM-87-4 Approval Date 10/16/1987 Effective Date 10/01/1987

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(10) and (d)  
of the Act

45 CFR 303.8

2.12 Procedures to Improve Program Effectiveness

10. Review and Adjustment of Child Support Orders

1. The State has in effect laws requiring the use of procedures For Review and Adjustment of Child Support Orders in accordance with 466(a)(10).  
 The Secretary has granted the State an exemption from the requirements for laws or use of procedures for review and adjustment of support orders in accordance with §466(d).
2. After learning that a parent who owes support will be incarcerated for more than 180 calendar days, the State:  
 sends a notice to both parents of their right to request a review and adjustment within 15 days, including the place and manner in which the request must be made; or  
 initiates review and adjustment without the need for a specific request.
3. Such reasonable quantitative standard must not exclude incarceration as a basis for determining whether an inconsistency between the existing child support order amount and the amount of child support determined as a result of a review is adequate grounds for petitioning for adjustment of an order.  
 Yes       No  
 NA (The state has not developed a reasonable quantitative standard based upon either a fixed dollar amount or percentage, or both.)
4. State includes health care needs as a basis for petitioning for an adjustment of an order.  
 Yes       No

TN# NM-2021-003 Approval Date 06/15/2021 Effective Date 07/01/2021

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(11) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

11. Full Faith and Credit for Determination of Paternity

The State has in effect laws requiring the use of procedures for giving full faith and credit to a determination of paternity made by any other State, whether established through voluntary acknowledgment or through administrative or judicial processes in accordance with §466(a)(11).

- The Secretary has granted the State an exemption from the requirement for giving full faith and credit to another State's determination of paternity in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(12) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

12. Access to Records for Location

The IV-D agency has in effect laws requiring the use of procedures to ensure that State and Federal child support agencies have access to any system of records used by the State for locating individuals for motor vehicle and law enforcement purposes, in accordance with §466(a)(12).

The Secretary has granted the State an exemption from access to records for location in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(13) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

13. Collection and Use of Social Security Numbers for Use in  
Child Support Enforcement

The State has in effect laws requiring the use of procedures requiring that social security numbers be collected and recorded in accordance with §466(a)(13).

The Secretary has granted the State an exemption from collection and use of social security numbers for use in child support enforcement in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997



State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(14) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

14. Administrative Enforcement in Interstate Cases

The State has in effect laws requiring the use of procedures for administrative enforcement in interstate cases in accordance with §466(a)(14).

The Secretary has granted the State an exemption from administrative enforcement in interstate cases in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(15) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

15. Work Requirement for Persons Owing Past-Due Child Support

The State has in effect laws requiring the use of procedures giving the State authority in any case in which an individual owes past-due child support with respect to a child receiving assistance under a State's program funded under title IV-A, to seek a court order or administrative order that requires the individual to pay such support according to an approved plan or participate in work activities, if not incapacitated, in accordance with §466(a)(15).

The State has guidelines which are generally available to the public to determine whether a case is inappropriate for application of this procedure in accordance with §466(a).

- The Secretary has granted the State an exemption from work requirement for persons owing child support in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(16) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

16. State Law Authorizing Suspension of Licenses

The IV-D agency has in effect laws requiring the use of procedures for authorizing withholding, or suspension or restriction of driver's licenses, professional and occupational licenses and recreational and sporting licenses in accordance with §466(a)(16).

- The Secretary has granted the State an exemption from the requirement for withholding, suspension, or restriction of driver's professional and occupational and recreational and sporting licenses in accordance with §466(d).

TN# NM-98-1 Approval Date 10/28/1998 Effective Date 06/30/1998

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(17) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

17. Financial Institution Data Matches

The State has in effect laws requiring the use of procedures for the IV-D agency entering into agreements with financial institutions doing business in the State to develop and operate a data match system to identify accounts of individuals owing past-due support and to encumber or surrender assets held by such institution on behalf of any noncustodial parent who is subject to a child support lien in accordance with §466(a)(17).

The Secretary has granted the State an exemption from financial institution data matches in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(a)(18) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

18. Enforcement of Orders Against Paternal or Maternal Grandparents of Children of Minor Parents

The State has elected to enact a law requiring the use of procedures for enforcement of orders with respect to a child of minor parents, if the custodial parent is receiving assistance under Part A, shall be enforceable, jointly and severally, against the parents of the noncustodial minor parent of such child in accordance with §466(a)(18).

Yes

No

The Secretary has granted the State an exemption from enforcement of orders against paternal or maternal grandparents of children of minor parents in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§ 454(20) and  
466(a)(19) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

19. Enforcement of Orders for Health Care Coverage

The IV-D agency has in effect laws requiring the use of procedures for enforcement of orders for health care coverage in accordance with §466(a)(19).

The Secretary has granted the State an exemption from the requirement for enforcement of orders for health care coverage in accordance with §466(d).

TN# NM-08-03 Approval Date 04/25/2008 Effective Date 01/01/2008

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(f)  
of the Act

2.12 Procedures to Improve Program Effectiveness

20. Adoption of Uniform State Laws

The State has in effect the Uniform Interstate Family Support Act, as approved by the American Bar Association on February 9, 1993, including any amendments officially adopted as of September 30, 2008, by the National Conference of Commissioners on Uniform State Laws in accordance with §466(f).

TN# NM-2016-001 Approval Date 03/28/2016 Effective Date 05/18/2016

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

§§454(20) and  
466(g) and (d)  
of the Act

2.12 Procedures to Improve Program Effectiveness

21. Laws Voiding Fraudulent Transfers

The State has in effect laws requiring the use of procedures for the voiding of fraudulent transfers in accordance with §466(g).

The Secretary has granted the State an exemption from the requirement for voiding fraudulent transfers in accordance with §466(d).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997



State New Mexico

SECTION 2 FINANCIAL ADMINISTRATION

Citation

2.13 Incentive Payments to States and Political Subdivisions

§§454(22) and  
458(a) of the Act;  
45 CFR 302.55  
and 303.52

The IV-D agency makes incentive payments in accordance  
with §§303.52 and 302.55.

TN# NM-91-6 Approval Date 10/08/1991 Effective Date 07/01/1991

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.14 Rights to Notification of Hearings

§454(12) of the Act

Effective October 1, 1997, the State has procedures to provide, to parties to child support orders in IV-D cases, notice of all proceedings in which support orders might be established or modified, and a copy of any order establishing or modifying a child support obligation or a notice of determination of no change within 14 days of issuance in accordance with §454(12).

TN# NM-97-01 Approval Date 12/18/1997 Effective Date 10/01/1997

State New Mexico

SECTION 2 SUPPORT ENFORCEMENT

Citation

2.15 Annual State Self-Assessment Review and Report

§454(15) of the Act  
45 CFR 308

Effective October 1, 1997

- The State has a process for conducting annual reviews and furnishing reports to the Secretary on the State program under the State IV-D plan, including such information as may be necessary to measure State compliance with Federal requirements for expedited procedures, using such standards and procedures as the Secretary requires, under which the IV-D agency will determine the extent to which the program is operated in compliance with title IV-D, in accordance with §454(15).
- The State has a process for extracting from the automated data processing system and transmitting to the Secretary data and calculations concerning the levels of accomplishment and rates of improvement with respect to applicable performance indicators.

TN# NM-NM-11-02 Approval Date 04/04/2011 Effective Date 01/03/2011

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

§§454(7), (33) of  
the Act; 45 CFR  
302.34

3.1 Cooperative Arrangements

The IV-D agency enters into agreements, which are reflected in a record, for cooperative arrangements with appropriate courts; law enforcement officials; corrections officials; and Indian tribes and tribal organizations in accordance with §§454(7) and (33), and 45 CFR 302.34.

ATTACHMENT 3.1A is a list of all cooperative agreements the IV-D agency has entered into, with the name of the cooperating entity and a brief description of the function to be performed. Copies of all agreements will be made available to the Office of Child Support Enforcement upon request.

TN# NM-2017-00 Approval Date 06/19/2017 Effective Date 07/01/2017

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

§454(10) of  
the Act; 45  
CFR 302.15

3.2 Reports and Maintenance of Records

The IV-D agency:

1. Maintains all records necessary for the proper and efficient operation of the plan in accordance with the requirements in 45 CFR 302.15.
2. Will make such reports as the Secretary may require and comply with the provisions he finds necessary to assure correctness and verification of such reports.
3. Substitutes microfilm copies for the original documents.

No.

Yes, certified microfilm copies of such documents are used in a system which has been approved by the Regional Office of Child Support Enforcement as adequate and reliable under the provisions of 45 CFR 302.15(b).

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.3 State Statutes

§454(4) and (6)  
of the Act;  
45 CFR 302.17

ATTACHMENT 3.3A is a copy of all State statutes and regulations having the force of law, that establish procedures to determine the paternity of a child born out of wedlock, to establish the child support obligation of a responsible parent, and to enforce the support obligation, including spousal support, if spousal support is included in the order.

TN# NM-2018-002 Approval Date 03/05/2018 Effective Date 04/01/2018

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.4 Standards for an Effective Program

§§454(3) and (13)  
of the Act;  
45 CFR 302.39

The State complies with such requirements and standards for an effective program as the Secretary determines to be necessary in accordance with §454(13) and the organization and staffing requirements prescribed by 45 CFR Part 303.

Information requests by parents who are residents of other States are treated with the same priority as requests by parents who are residents of the State submitting the plan in accordance with §454(13).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.5 Nondiscrimination

Title VI of the Civil Rights Act of 1964; 45 CFR Parts 80 and 84

In accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the IV-D agency assures that no individual shall be subjected to discrimination under this plan on the grounds of race, color, national origin or handicap.

The IV-D agency has methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with title VI regulations. These methods for title VI are described in ATTACHMENT 3.5A.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982



State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.6 Bonding of Employees

§454(14) of  
the Act; 45  
CFR 302.19

ATTACHMENT 3.6A is a description of bonding arrangements approved by the State IV-D agency to meet the requirements in 45 CFR 302.19.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.7 Separation of Cash Handling and Accounting Functions

§454(14) of  
the Act; 45  
CFR 302.20

The IV-D agency maintains methods of administration designed to assure separation of cash handling and accounting functions in accordance with the requirements in 45 CFR 302.20.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.8 Computerized Support Enforcement System

§454(16) and (24)  
of the Act; 45  
CFR 302.85

1. By October 1, 1991, the State has submitted an advance planning document (APD) or APD update to the Office in accordance with the requirements in §302.85.

TN# NM-91-1 Approval Date 10/15/1991 Effective Date 10/01/1991

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.8 Computerized Support Enforcement System

§454(16) and (24)  
of the Act

2. By October 1, 1997, the State has in effect an operational computerized support enforcement system in accordance with §454(16) and (24).

TN# NM-99-01 Approval Date 10/01/1997 Effective Date 10/01/1997

State New Mexico

SECTION 3: GENERAL PROGRAM ADMINISTRATION

<u>Citation</u>	3.8	<u>Statewide Automated Data Processing and Information Retrieval System</u>
§§454(16) and (24)(B) and §454(A) of the Act	3.	Effective October 1, 2000, the State has in effect an approved statewide automated data processing and information retrieval system in accordance with §§454(16), 454(24)(B), and §454A of the Act, and 45 CFR 302.85 and 307.11.
§454(A)(g)(1)	3.a.	Effective October 1, 2015, the State uses the statewide automated system to transmit income withholding orders, at the option of the employer, using the electronic transmission methods prescribed by the Secretary.
45 CFR 307.11	3.b.	State develops automatic use of enforcement procedures, that:  1. Identify cases which have been previously identified as involving a noncustodial parent who is a recipient of SSI or concurrent SSI payments and SSDI or SSR benefits under title II of the Act, to prevent garnishment of these funds from the noncustodial parent's financial account.  2. Return funds to the noncustodial parent, within 5 business days after the agency determines that SSI or concurrent SSI and SSDI or SSR benefits under title II of the Act, in the noncustodial parent's financial account have been incorrectly garnished.  3. State opts to identify cases involving a noncustodial parent who is a recipient of concurrent SSI and either SSDI or SSR benefits under title II of the Act and prevent garnishment of these funds from the noncustodial parent through an income withholding order; and return funds to a noncustodial parent in accordance with § 303.100(a)(8), after the agency determines that concurrent SSI and either SSDI or SSR benefits have been incorrectly garnished from the noncustodial parent through an income withholding order.

Yes       No

TN# NM-2020-003

Approval Date 08/07/2020

Effective Date 07/01/2020

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.9 Publicize Availability of Child Support Services

§454(23)  
of the Act;  
45 CFR 302.30

The State regularly and frequently publicizes through public service announcements, the availability of child support enforcement services, including information on application fees, how to get additional information, and encouraging use of procedures for voluntary establishment of paternity in accordance with §454(23) and 45 CFR 302.30.

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.10 Notice of Collection of Assigned Support

§§454(5) and  
408(a)(3) of the Act;  
45 CFR 302.54(a)

Effective January 1, 1993, the IV-D agency provides monthly notice of support payments collected to individuals for whom an assignment of support rights exists under section 408(a)(3) of the Act, in accordance with §302.54(a).

45 CFR 302.54(b)

The Office has granted the State a waiver to permit the use of a quarterly notice in accordance with §302.54(b) if a State does not have an automated system that performs child support enforcement activities; or has an automated system that is unable to generate monthly notices; or uses a toll-free automated voice response system which provides the required information.

YES, because the State has an automated voice response system capable of providing required information.

YES, because the State's computerized child support enforcement system is not presently capable of generating monthly notices without extensive reprogramming.

NO

TN# NM-2019-003 Approval Date 01/03/2020 Effective Date 01/01/2020

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation 3.11 Guidelines for Setting Child Support Obligations Within the State

§467 of the Act;  
45 CFR 302.56

1. The State IV-D agency has presumptive guidelines for setting child support obligations and procedures for making the guidelines available to the public in accordance with §302.56.
2. The State reviews its guidelines, at least once every four years, in accordance with 302.56, and submits ATTACHMENT 3.11A, a copy of the State's guidelines, which include the effective date and the date of the next quadrennial review.
3. Date of last quadrennial review completed: 11/08/2018

Did quadrennial review result in guidelines being revised?

Yes  No

If yes, effective date of revised guidelines: 07/01/2021

Date of next quadrennial review: 10/01/2022

TN# NM-2021-004 Approval Date 06/17/2021 Effective Date 07/01/2021



State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.13 Privacy Safeguards

§454(26)  
of the Act

The State has in effect safeguards, applicable to all confidential information handled by the State IV-D agency, that are designed to protect the privacy rights of the parties in accordance with §454(26).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

§§454(27) and  
454B of the Act

3.14 Collection and Disbursement of Support Payments

Effective October 1, 1998, the State agency operates a State disbursement unit in accordance with §454(27) and 454B.

or

Effective October 1, 1999, the State, which as of August 22, 1996, processed the receipt of child support payments through local courts, operates a State disbursement unit in accordance with §§454(27) and 454B.

or

Effective October 1, 1998, with the agreement of the Secretary, the State disbursement unit has been established and is operated by the linking of local disbursement units through an automated information network and providing employers with one location to which income withholding is sent, in accordance with §454b(a)(3).

TN# NM-98-2 Approval Date 05/11/1999 Effective Date 10/31/1998

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.15 State Directory of New Hires

§454(28) and  
§453A

The State operates a State Directory of New Hires in  
accordance with §453A.

TN# NM-NM-12-01 Approval Date 07/12/2012 Effective Date 04/02/2012

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.16 Cooperation by Applicants for and Recipients of Assistance

§454(29) of the Act

The IV-D agency makes the determination and the redetermination as to whether an applicant or recipient for IV-A, IV-E, title XIX, or the supplemental nutrition assistance program, as defined under section 2012(l) of title 7, is cooperating in good faith with the State in establishing paternity, or in establishing, modifying or enforcing a support order in accordance with §454(29).

Good cause and other exceptions to cooperation are defined and applied; at the option of the State

- for the IV-A program by:
  - IV-D agency
  - IV-A agency
- for the IV-E program by:
  - IV-D agency
  - IV-E agency
- for the XIX agency by:
  - IV-D agency
  - XIX agency
- for the SNAP agency by:
  - IV-D agency
  - SNAP agency
  - NA (Cooperation is not mandatory)

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.17 Definitions for Collecting and Reporting Information

§§452(a)(5) and  
454(30) of the Act

The State uses the definitions established under §452(a)(5) in collecting and reporting information in accordance with §454(30).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation 3.18 Denial of Passports for Non-Payment of Child Support

§454(31) of the Act

The IV-D agency has procedures for certifying to the Secretary that individuals who owe arrearages of child support in an amount exceeding \$2,500 are subject to being denied a passport or having a passport revoked, restricted, or limited that was previously issued to such individual, in accordance with §452(k) of the Act; and that individuals who owe arrearages exceeding \$2,500-

- are afforded notice of such determination and the consequences thereof, and an opportunity to contest the determination; and
- the certification by the State agency is furnished to the Secretary in such format, and accompanied by such supporting documentation, as the Secretary may require.

TN# NM-08-04 Approval Date 04/25/2008 Effective Date 01/01/2008

State New Mexico

SECTION 3 GENERAL PROGRAM ADMINISTRATION

Citation

3.19 Request for Services by a Foreign Country

§454(32) of the Act

Any request for IV-D program services by a foreign reciprocating Country or a foreign country with which the State has an arrangement described in §459A(d) of the Act is treated as a request by a State.

No application is required from, and no costs are assessed for such services against, the foreign reciprocating country or foreign obligee (but costs may be assessed against the obligor).

- State opts to provide enforcement services for foreign spousal support-only orders in accordance with §454(32)(B), notwithstanding §454(4).

TN# NM-97-1 Approval Date 12/19/1997 Effective Date 07/01/1997

State New Mexico

SECTION 4 FINANCIAL ADMINISTRATION

Citation

§454(13) of  
the Act; 45  
CFR 302.14

4.1 Fiscal Policies and Accountability

The IV-D agency has established and maintains an accounting system and supporting records adequate to assure that claims for Federal funds meet applicable Federal requirements. These records will be maintained in accordance with the requirements of 45 CFR 75.361 through 75.370.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982



State New Mexico

SECTION 4 FINANCIAL ADMINISTRATION

Citation

4.2 State Financial Participation

§454(2) of the  
Act; 45 CFR 302.11

The State participates financially in the program.

TN# NM-82-8 Approval Date 02/07/1983 Effective Date 10/01/1982

State New Mexico

SECTION 5 GENERAL PROVISIONS

Citation

§454(13) of the  
Act; 45 CFR 302.13

5.1 Plan Amendments

1. The plan will be amended whenever necessary to reflect new or revised Federal statutes or regulations, or material change in any phase of State law, organization, policy, or IV-D agency operations. Plan amendments will be submitted to the Regional Office of Child Support Enforcement for approval.
2. The IV-D agency will specify if it wishes any plan amendment to be considered as a new plan in accordance with Sec. 1116 of the Social Security Act and 45 CFR 301.13(f).

TN# NM-82-08 Approval Date 02/07/1983 Effective Date 10/01/1982

SECTION 5 GENERAL PROVISIONS

Citation

5.2 State Governor's Review

45 CFR  
301.12

This plan has been submitted to the Governor for his or her review, and comments, if any, are enclosed. The State agency will provide opportunity for the Office of the Governor to review any amendments to this plan, any new State plan and subsequent amendments, and long-range program planning projections or other periodic reports thereon. Any comments made will be transmitted to the Regional Office for Child Support Enforcement with such documents.

I hereby certify that I am authorized to submit this plan on behalf of

\_\_\_\_\_  
(Designated Single State Agency)

Date \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Title)

TN# NM-2019-001 Approval Date 01/25/2019 Effective Date 01/01/2019